

REMARKS

Claim Rejections under 35 USC ' 112, 2nd Paragraph

Claims 15 and 27 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Office action notes that the claims attempt to define the subject matter in terms of the result to be achieved, and that the claims fail to define the technical feature of the ester produced from the fatty acid composition. The Office action further notes the ester produced could be any ester produced from the different fatty acids in the composition claimed and would include known esters.

The applicants have modified claim 1 to limit it to vegetable and tall oil sources and formatted the claim to point out the several fatty acid components of the fatty acid composition. Additionally, the applicants have amended claims 15 and 16 to introduce the alcohol needed to form the esters, as suggested in the rejection

Claims 1-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over KRULL et al. (US 2002/0095857). The applicant has made several amendments throughout the claims to clarify the invention. In addition, the applicant has modified claim 1 from the open-ended “comprising” formulation to “consisting essentially of” language.

The applicant wishes to point out that the claimed invention as amended allows the applicant to predict whether a composition has a cloud point below a -4°C, without the use of the polar nitrogen-containing compound required in Krull et al. In addition, the applicants have found that selecting crude tall oil with the claimed balance of saturated and unsaturated

fats and distilling the selected crude tall oil gives a composition has a cloud point below a -4°C, without the use of the polar nitrogen-containing compound required in Krull et al. The applicants believe that the ability to achieve good low temperature performance without the use of the polar nitrogen-containing compound required in Krull et al. provides a technical advantage. Therefore the applicant is filing a request for continued examination, based on the amended claims.

If it would be of any assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicants' attorney Jennifer S Warren at 904928.8814.

Respectfully submitted,

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/Jennifer S. Warren/

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